

Senate File 147 - Introduced

SENATE FILE 147

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A BILL FOR

1 An Act requiring drug testing for individuals applying for or
2 receiving state assistance.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 127.1 State assistance — drug
2 testing requirement.

3 1. For purposes of this section, unless the context
4 otherwise requires:

5 *a.* “*Department*” means the applicable state department,
6 institution, or agency providing state aid.

7 *b.* “*Drug*” means the same as defined in section 730.5.

8 *c.* “*State aid*” means any form of financial benefit, aid,
9 or assistance provided to an individual by a state department,
10 institution, or agency.

11 2. As a condition of eligibility for an applicant or
12 participant to receive state aid, the applicant or participant
13 shall, if not otherwise prohibited by law, agree to participate
14 in drug testing in accordance with this section.

15 3. The department shall implement a program of drug testing
16 of individuals subject to subsection 2. The program shall
17 include but is not limited to all of the following:

18 *a.* Random drug testing of existing participants.

19 *b.* Drug testing of all applicants.

20 *c.* Drug testing shall include confirmation of any
21 initial positive test results. Any confirmatory test shall
22 be performed using a chromatographic technique such as gas
23 chromatography/mass spectrometry or another comparably reliable
24 analytical method.

25 4. An applicant or participant subject to the provisions
26 of subsection 2 who has a confirmed positive test result for
27 a drug that was not lawfully prescribed for the individual,
28 shall be ineligible for state aid. The period of ineligibility
29 applicable to an individual shall continue until the individual
30 has a negative test result for the drug for which the
31 individual had a confirmed positive test result.

32 5. An individual’s positive test result obtained under this
33 section shall not be used as evidence in any criminal action
34 involving the individual.

35 6. The applicable department shall adopt rules to

1 administer this section. The rules shall include but are not
2 limited to all of the following:

3 *a.* Testing procedures to ensure collection of test samples
4 is performed under sanitary conditions, with regard for the
5 privacy of the individual providing the sample, and in a manner
6 reasonably calculated to preclude contamination or substitution
7 of the sample. Test samples shall be divided at the time of
8 collection to permit confirmatory tests of the sample. The
9 department shall establish standards for analysis of samples
10 and for determining test results to be positive.

11 *b.* Labeling and other documentation of test sample
12 collections so as to reasonably preclude the possibility of
13 misidentification of the individual tested in relation to the
14 test result provided, and requirement for samples to be handled
15 and tracked in a manner such that control and accountability
16 are maintained from initial collection to each stage in
17 handling, testing, and storage, through final disposition.

18 *c.* An individual being tested shall be given an opportunity
19 to provide any information which may be considered relevant
20 to the test, including identification of prescription or
21 nonprescription drugs currently or recently used, or other
22 relevant medical information. To assist an individual in
23 providing the information described in this paragraph, the
24 department shall provide the individual with a list of the
25 drugs for which the individual is tested.

26 *d.* A medical review officer shall review and interpret any
27 confirmed positive test results, including both quantitative
28 and qualitative test results, to ensure that the chain of
29 custody is complete and sufficient on its face and that any
30 information provided by the individual pursuant to paragraph
31 "*c*" is considered.

32 *e.* A procedure to provide written notification to an
33 individual of the results of a confirmed positive drug test by
34 certified mail or other verifiable means. The notification
35 shall include the individual's right to request and obtain

1 a second confirmatory test at an approved laboratory of the
 2 individual's choice. If the results of the second test do
 3 not confirm the results of the initial confirmatory test, the
 4 initial confirmatory test shall not be considered a confirmed
 5 positive drug test.

6 *f.* The department shall prohibit a laboratory or other
 7 medical facility reporting information to anyone other than the
 8 department or the tested individual relating to the results of
 9 a drug test conducted pursuant to this section.

10 *g.* A procedure to address incidents of false positive tests.

11 *h.* A procedure to ensure the confidentiality of test
 12 results, including but not limited to specifying those with
 13 access to test result information.

14 *i.* Other procedures to administer this section in a fair and
 15 reliable manner.

16 EXPLANATION

17 This bill establishes a requirement that individuals
 18 applying and receiving state aid participate in drug testing if
 19 such drug testing is not otherwise prohibited by law.

20 The bill defines the term "drug" as having the same meaning
 21 as in Code section 730.5, relating to private-sector drug-free
 22 workplaces, which is any drug on schedules I through V of the
 23 federal Controlled Substances Act. "State aid" is defined as
 24 any form of financial benefit, aid, or assistance provided to
 25 an individual by a state department, institution, or agency.

26 Each applicable state department, institution, or agency
 27 providing state aid shall implement a drug testing program
 28 for the individuals subject to the eligibility requirement.
 29 The program is to include random drug testing of participants
 30 and drug testing of all applicants. Drug testing includes
 31 confirmation of any positive result with a chromatographic/mass
 32 spectrometry technique or comparable method.

33 If an applicant or participant subject to the bill's
 34 requirements has a confirmed positive test result for a drug
 35 that was not lawfully prescribed for the individual, the

1 applicant or participant is ineligible for state aid. The
2 period of ineligibility continues until the individual has a
3 negative test result for the drug for which the individual had
4 a confirmed positive test result.

5 The bill prohibits an individual's positive test result
6 obtained under the bill's provisions from being used as
7 evidence in any criminal action involving the individual.

8 Each department affected is directed to adopt rules to
9 administer the provisions of the bill. The rules are to
10 address collection, labeling, and other documentation of test
11 samples, notification concerning test results, interpretation
12 of test results, an opportunity for a second confirmatory test
13 of a positive result, prohibition against laboratory disclosure
14 of test results, other confidentiality provisions, procedure to
15 address incidents of false positive tests, and other procedures
16 for fairness and reliability.